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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,589	10/17/2001	Tuomo Hokkanen	975.365USW1	7571

22865 7590 05/21/2003

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MINNEAPOLIS, MN 55344-7704

EXAMINER
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YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/21/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/982,589

Applicant(s)

HOKKANEN, TUOMO

Examiner

Eugene Yun

Art Unit

2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

5119103

## **ADVISORY ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/7/2003 have been fully considered but they are not persuasive.

Regarding Claims 27 and 43, the applicant argues that the Corriveau reference cannot be combined with the Dennison reference because the Dennison reference, as well as the claimed invention, uses location information to determine handover conditions as opposed to using signal strength information. While most of the management decisions in the Dennison reference are based on location information, the last part of the ABSTRACT does describe that initial selection of a cell site is based on signal strength measurements. Therefore, the Dennison reference is not completely teaching away from the use of signal strength measurements.

There is also nothing the part of the claim that reads, ".checking subscriber specifications, whether or not another measurement related to a handover is to be performed, wherein said another measurement results in a determination of a second handover condition, and designating a next base transceiver station in said communication network, to which the communication with said mobile station is to be directed from a current base transceiver station", that suggests that any further measurements for determining a second handover condition must be related to location information. Measurements for the second handover condition can be any kind of

measurement according to the wording of the claim, including signal strength, which the Corriveau reference teaches.

There is not enough detail in the part of the claim that reads, "deciding on the basis of the result of said processing, whether a first handover condition based on location information (see col. 2, line 65) is fulfilled or not, when the first handover condition is not fulfilled," that states that any limits or thresholds must be exceeded in order for the first handover condition to be fulfilled. This part of the claim is broad enough that one can say that even though the handover decision is YES in the Corriveau reference, it can be read on to say that the first handover condition is not fulfilled since it doesn't mention any limits or thresholds that must be exceeded. Even if this part of the claim did have enough detail to read what is stated above, the Dennison reference would teach that aspect in Fig. 11B.

The Corriveau reference also includes location information in its system as shown in col. 2, lines 63-67.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun  
Examiner  
Art Unit 2682

EY  
May 16, 2003